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Joubert Berger

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

NAHAR, QAMRUN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOUBERT BERGER, SCOTT A. LEERSSEN,  
and CRAIG H. RUBIN

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Application 10/013,043  
Technology Center 2100

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Mailed: July 13, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on Aug. 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed April 5, 2007, reveals that claim(s) 2 and 5 in the Claims appendix of the Appeal Brief are not consistent as amended in the last entered amendment filed on January 21, 2005. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 C.F.R. 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, claims 2 and 5 as provided in the Brief's Claims Appendix, read:

2) The method of claim 1, further comprising;  
automatically determining one or more supporting resources associated with said selected application;  
automatically retrieving said supporting resources; and  
automatically installing said supporting resources with said selected compartment.

5) The method of claim 3, further comprising modifying said access controls in response to user input.

However, in the last entered Amendment dated January 21, 2005, claims 2 and 5 read:

2) The method of claim 1, further comprising;  
Automatically determining one or more supporting resources associated with said selected application;

5) The method of claim 3, further comprising displaying said access controls along with the files with which said access controls are associated.

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed April 5, 2007 defective, as required by 37 C.F.R. § 41.37(d);
- 2) notify the Appellant to submit a “paper” which corrects the Appeal Brief’s Claims Appendix under 37 C.F.R. 41.37(c)(1)(viii);
- 3) acknowledge and consider any “paper” submitted by Appellant to correct the Appeal Brief; and
- 4) for such further action as may be required.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/rwk

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